

**HAMILTON COUNTY BOARD OF COMMISSIONERS
APRIL 28, 2003**

The Hamilton County Board of Commissioners met on Monday, April 28, 2003 in the Commissioner's Courtroom at the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session at 12:50 pm in Conference Room 1A. President Holt called the public session to order at 1:27. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes:

Dillinger motioned to approve the April 14, 2003 minutes. Altman seconded. Motion carried unanimously.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memoranda for April 28, 2003. Altman seconded. Motion carried unanimously.

Plat Approvals (1:29:35)

Centennial Townhomes, Building 21:

Cyntheanne Fields:

Merrimac, Section 6:

Village of West Clay, AGO1 and AGO2:

West Carmel Center, Block G, Block F, Block B, Lots 3 & 4:

Mr. Steve Broermann recommended approval of the plats for Centennial Townhomes, Building 21; Cyntheanne Fields; Merrimac, Section 6; Village of West Clay, AGO1 & AGO2; and West Carmel Center, Blocks G, F and B, Lots 3 & 4. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bid Openings (1:30:45)

Resurface Contract 03-1, Various Roads in White River Township:

Mr. Mike Howard opened bids for Resurface Contract 03-1, Various Roads in White River Township. Form 96, Bid Bond, Financial Statement and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Milestone Contractors - \$589,321.00. 2) Grady Brothers - \$569,155.00. 3) E&B Paving - \$526,852.68. 4) Rieth-Riley - \$581,582.00. 5) Shelly & Sands - \$594,242.52. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #255, Six Points Road over Jay Ditch: (1:34:33)

Mr. Howard opened the bids for replacement of Bridge #255, Six Points Road over Jay Ditch. Form 96, Bid Bond, Financial Statement, Acknowledgment of Addendums (2) are included unless otherwise specified. 1) EDSAM Construction, Inc. - \$488,919.22. 2) American Contracting - \$587,974.73. Acknowledgment of Addendums not apparent. 3) Schutt-Lookabill Co. - \$497,414.44. 4) Duncan Robertson - \$575,536.40. 5) Rieth-Riley - \$609,287.56. 6) George R. Harvey & Son - \$525,631.86. 7) Fox Contractors Corporation - \$559,736.44. Acknowledgment of Addendums not apparent. Mr. Howard recommended the bids be forwarded to the Highway Department for

review and recommendation at the next meeting. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #27, Centennial Road over Finley Creek: (1:41:10)

Mr. Howard opened the bids for replacement of Bridge #27, Centennial Road over Finley Creek. Form 96, Financial Statement, Bid Bond and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) American Contracting - \$274,206.00. 2) George R. Harvey & Son - \$220,575.64. 3) Smock Fansler - \$292,948.98. 4) Duncan Robertson - \$184,892.50. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Open Road Cut Permits: (1:44:30)

Mr. Jim Neal requested approval of Open Road Cut Permits: 1) RDCUT 2003-010 - Patriot Engineering & Environmental, Inc. - Howe Road 2310' south of SR 238, 4' east of C/L to ascertain asphalt thickness, stone thickness, and subgrade condition. 2) RDCUT 2003-011 - Patriot Engineering & Environmental, Inc. - Howe Road 1910' south of SR 238, 4' east of C/L to ascertain asphalt thickness, stone thickness and subgrade condition. 3) RDCUT 2003-0123 - Patriot Engineering & Environment, Inc. - Howe Road 1510' south of SR 238, 4' east of C/L to ascertain asphalt thickness, stone thickness, and subgrade condition. 4) RDCUT 2003-013 - Clay Township Regional Waste District - 117' west of the north leg of C/L of West Road crossing 131st Street to provide sanitary sewer service. 5) RDCUT 2003-014 - Clay Township Regional Waste District - 447' south of the C/L of 131st Street crossing West Road to provide sanitary sewer service. 6) RDCUT 2003-015 - Clay Township Regional Waste District - 632' north of the C/L of 131st Street crossing West Road to provide sanitary sewer service. 7) RDCUT 2003-016 - Clay Township Regional Waste District - 578' north of the C/L of 131st Street crossing West Road to provide sanitary sewer service. 8) RDCUT 2003-017 - Clay Township Regional Waste District - 433' north of the C/L of 131st Street crossing West Road to provide sanitary sewer service. 9) RDCUT 2003-018 - Clay Township Regional Waste District - 213' north of the C/L of 131st Street crossing West Road to provide sanitary sewer service. 10) RDCUT 2003-019 - USF Indianapolis Water Company - 35' west of C/L Glaserway & 16' north of C/L of Fall Creek Road to relocate hydrant for Holy Spirit Church. 11) RDCUT 2003-020 - Clay Township Regional Waste District - 409' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. 12) RDCUT 2003-021 - Clay Township Regional Waste District - 380' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. 13) RDCUT 2003-022 - Clay Township Regional Waste District - 98' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service 14) RDCUT 2003-023 - Clay Township Regional Waste District - 746' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. 15) RDCUT 2003-024 - Clay Township Regional Waste District - 921' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. 16) RDCUT 2003-025 - Clay Township Regional Waste District - 522' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. 17) RDCUT 2003-026 - Clay Township Regional Waste District - 926' east of C/L of the south leg of West Road crossing 131st Street to provide sanitary sewer service. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department: (1:45:29)

Mr. Neal requested acceptance of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-01-0068 - Selective Insurance Company Continuation Certificate Bond No. B401906 issued on behalf of Langston Development Co., in the sum of \$25,000 to expire May 21, 2004. 2) HCHD #B-03-0034 - Travelers Property Casualty and Surety Company Annual Permit Bond No. 104013083 issued on behalf of Stephen Senior, d/b/a Senior Construction in the sum of \$25,000 to expire April 15, 2004. 3) HCHD #B-03-0035 - Travelers Property Casualty and Surety Company Permit Bond No. 104013082 issued on behalf of Kramer Corporation in the sum of \$5,000 to expire April 9, 2004. 4) HCHD #B-03-0036 - Fidelity and Deposit Company Maintenance Bond #084062373 issued on behalf of Erwin Excavating, Inc. in the sum of \$5,000 to expire April 8, 2004 for work at 10495 Trebah Circle, Indianapolis. 5) HCHD #B-03-00037 - Bond Safeguard Maintenance Bond #5003392 issued on behalf of Brenwick Development Company in the sum of \$12,437.20 for asphalt and curbs in the Village of West Clay, Sections AGO1 and AGO2 to expire April 28, 2005. 6) HCHD #B-03-0038 - Bond Safeguard Annual Permit Bond #15-309303 and Rider issued on behalf of Indiana Fiber Works LLC in the sum of \$25,000 for directional boring from 141st Street to 156th Street to expire April 2, 2004. 7) HCHD #B-03-0039 - Erie Insurance Company Permit Bond #Q887170135R issued on behalf of Stevens Custom Homes & Remodeling in the sum of \$5,000 for driveway cut 250' south on SR 32 on Willowview Road to expire April 21, 2004. 8) HCHD #B-03-0040 - Western Surety Continuation Certificate 68899675 issued on behalf of R.T. Moore Co., Inc. in the sum of \$25,000 to expire February 20, 2004. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Agreements (1:46:58)

Subdivision Inspection Agreements:

West Carmel Center Block F Commerce Drive Extension:

Mr. Neal requested approval of Subdivision Inspection Agreement, HCHD #A-03-0007, for West Carmel Center - Block F - Commerce Drive Extension with 421 Realty, Inc. (developer), United Consulting Engineers and Architects (engineer), and Hamilton County for the inspection of the shopping center at 106th Street and US 421. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Westwood Estates Subdivision:

Mr. Neal requested approval of Subdivision Inspection Agreement, HCHD #A-03-0006, for Westwood Estates Subdivision between Justus Home Builders, Inc. (developer), DLZ, Inc. (engineer), and Hamilton County. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Engineering Agreements

Small Structure No. 31058, Lamong Road over McKinzie Ditch:

Mr. Neal requested approval for Engineering Agreement, HCHD #E-03-0003, for Small Structure 31058, Lamong Road over McKinzie Ditch with Beam, Longest and Neff, LLC. Altman asked if you are comparing their pricing on their appraisal work verses just outside prices? Mr. Neal stated we base it off of what our historical amount has been throughout all of our different consultants. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Small Structure No. 21029 (Bridge #198), 191st Street over Cool Creek:

Mr. Neal requested approval of Supplemental Agreement No. 1, HCHD #E-02-0007, with United Consulting Engineers for replacement of Structure No. 21029 (Bridge #198), carrying 191st Street over Cool Creek. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bridge No. 141, River Road over Vestal Ditch:

Mr. Neal requested approval of Supplemental Agreement No. 5, HCHD #E-97-0018, with First Group Engineering for replacement of Bridge No. 141, carrying River Road over Vestal Ditch. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence:

Mr. Neal requested concurrence with the Traffic Study Correspondence. Dillinger motioned to approve the proposed response from the Highway Department. Altman seconded. Motion carried unanimously.

Request to Advertise (1:50:52)

Resurface Contract 03-2, Various Roads in Noblesville and Washington Townships:

Mr. Neal requested permission to advertise for Resurface Contract 03-2, Various Roads in Noblesville and Washington Townships. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Request for Proposals for 106th Street and College Avenue:

Mr. Neal requested permission to send out Requests for Proposals for construction supervision for the 106th Street and College Avenue intersection improvement. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Rangeline Road at Clay Terrace Road Project Title Sheet:

Mr. Neal requested signatures on the Title Sheet for the Rangeline Road at Clay Terrace road project. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Request for Proposal for Bridge #262, Fall Creek Road over Geist Reservoir:

Mr. Neal requested permission for Requests for Proposals for construction supervision for Bridge #262, Fall Creek Road over Geist Reservoir in Fall Creek Township.

Five Year Bridge Management Program: (1:53:15)

Mr. Matt Knight presented the draft copy of the Five Year Bridge Management Program for the years 2003 to 2007.

Request to Advertise - Sign Truck:

Mr. Neal requested permission to advertise for the purchase of a Single Axle Sign Truck. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

I-69 Interchange Study: (1:55:44)

Mr. Joel Thurman asked for comments regarding the I-69 Interchange Planning Study that he presented at the last meeting. This was a study done by interlocal agreement with the Town of Fishers, City of Noblesville and Hamilton County. The intent is to get any recommendations today and then be placed on the next Plan Commission's meeting agenda. Dillinger motioned to

approve. Holt seconded. Dillinger and Holt approved. Altman abstained.

Bid Award (1:58:23)

Contract Resurface 03-1:

Mr. Neal recommended the bid for the Contract Resurface 03-1 be awarded to E&B Paving. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #27:

Mr. Neal recommended the bid for Bridge #27 be awarded to Duncan Robertson. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Mailbox Replacement:

Holt stated he had a phone message this morning from Juanita Dixon, 241st Street, asking when she would receive her check for the replacement of her mailbox. Mr. Brad Davis stated he will research it and get back with Ms. Dixon.

Holt called a break. (2:00:28)

Holt called the meeting back to order. (2:22:10)

911 Centerline Addressing:

Dillinger introduced Terri Yount, who is serving as the Chairperson of the 911 Technical Committee. She volunteered her services. Dillinger thanked Ms. Yount for her services. An enormous amount of time has been spent revisiting the 911 Centerline Addressing Proposal. The Committee voted to only accept the three (3) firms that had already made the short list. We met with those three firms after they received the quote specs to give them an opportunity to ask questions so they would thoroughly understand what we were trying to do. Only two (2) of those firms chose to participate, Schneider and Cripe. We gave them two weeks to re-submit their proposals. Everything has been done to make sure everyone was on the same page. We received two quotes: Cripe - \$288,142.00 with a time frame of four months. Schneider - \$890,847.00 with a time frame of six months. Dillinger stated after reviewing the fees, the Committee voted to recommend Cripe. Dillinger stated he was still taken aback by the difference in the quotes. He spent time with the Schneider people to try to determine why there would be such a difference. We could never define what the difference was. Dillinger motioned to accept the Committee's recommendation to negotiate a contract with Cripe. Altman seconded. Altman stated she received a copy of the letter sent from the bidder that was initially selected and she understood that letter to say to the Committee that they did not re-submit the bid but they did expect that their original bid would be considered in the re-selection process, would you clarify that? Dillinger stated they made overtures of legal action, which in his mind would have excluded them from participating, when we sent the letter to them we advised them that we were revising some of the work in the scope of the RFP. They said they were not going to participate, their quote stands. We sent them the new RFP. They chose not to participate. Altman asked if your revised scope of work enhanced the project? Ms. Yount stated no, it went into more detail. That is why we offered the question and answer session, if they had any questions they should have been at that session. Mr. Howard stated when the proposals were submitted part of the issue was that part of the reason we had this wide range was that it was determined that the requests for bids was quite ambiguous in several areas. For that reason the proposals were rejected and the

committee was told to clarify the bids and send them back out. In his opinion the solicitation was different enough in scope that for someone to say we keep our bid, that bid that they had was to accept a different project. He does not believe it was responsive. Altman stated it was not a publicly bid situation. Dillinger stated no, it was not. Dillinger stated as we revisited the different interests involved in the technicality in this, ex: mapping verses public safety, there were things that needed to be defined. The attitude that they took, told them something of why we would not want to deal with them. In addition to the quote that we recommended to accept, there was another component in the hiring of two technical people, one as soon as possible to see this through because the entire technical committee agreed that in order for this to be success we need someone to see it through, we needed to have someone maintain it. There are job descriptions written for these people, the funds would come out of E911 Funds. According to the councilors he has spoken with, they would agree to that since they are not coming out of the general fund. If we are going to put this kind of money in it, we need the technical people to maintain it and keep it up to date. Altman asked if they would be county employees? Dillinger stated yes. Ms. Yount stated they will need to be working on it while it is ongoing. Altman stated she is concerned about the process, but has no interest in delaying it further. Motion carried unanimously.

Sheriff (2:32:28)

Towing Contract:

Sheriff Doug Carter stated they are in the process of addressing the towing rotation. They are checking with other agencies to see what their protocol is. Once that is defined and focused they will prepare a document for Mr. Howard's review and report back to the Commissioners. Once it is defined it will streamline the whole effort and will be fair and concise and each company involved in the rotation will understand what the requirements and parameters are. It is an ongoing process and can not happen quickly. Altman stated her concern is that her husband's car was stolen and recovered in Noblesville and we went through their rotation and the towing bill was extremely high. As you go through the process would you be sensitive to the amount. Sheriff Carter stated generally speaking law enforcement tows are more expensive. One of the reasons is the availability of the company itself, the requirement of the company to maintain very good insurance and to be there almost anytime 24/7. There are some parameters that do not fall during the normal business hours.

Verizon Wireless Contract:

Sheriff Carter stated he has given a copy of the Verizon Wireless Contract to Mike Howard for review. It has been signed by the Verizon's General Manager and possibly that could be reviewed and signed by the Board at the next meeting.

Inmate Collect Phone Calls: (2:36:18)

Dillinger stated he received a call from a mother of an inmate who is in our jail. She was complaining that periodically the costs of the collect calls coming from the inmate have escalated. They are \$4.40 per call. He would like to discuss the fairness of charging someone who is not in jail \$4.40 and look at other alternatives to make it a more fair situation. In speaking with the Sheriff and Dan Stevens there is a way that inmates can purchase a calling card. That would seem a much more fair way than someone calling collect. They brought up the problem with the indigent, if we were to do that exclusively we would have to pay. He is not advocating doing anything prior to the end of the year because all of that is part of the budget process. It is

something we need to set up a committee to look at and bring back some recommendations. Dillinger motioned that we set a committee with him, the chair of the County Council and the Sheriff and Dan or whomever he deemed appropriate, to visit it and come up with a recommendation before the budgeting process. Altman stated she is concerned with what it would do to indigent counsel budget. The impact could be huge. We need to bear that in mind in terms of contact. Altman stated she thought there was a court case on that issue. Mr. Howard stated he was not aware of it. Captain Stevens stated Commissioner Altman may be referring to the state law passed by the Legislature last year that took effect January 1st, where the Department of Corrections through their RFP will establish the maximum rate that could be charged by any county with 75,000 or more, which would apply to us. An RFP has not been decided yet. Reports are due May 26th to the Department of Corrections. Whatever they accept will be the maximum rate that could be charged in the State of Indiana by the DOC or any county with a population of 75,000 or more. Dillinger stated the point is that the people being called did not do anything wrong, they are not in jail, but they are paying the brunt of this. It seems to him to be grossly unfair to have to pay \$4.00. Mr. Howard stated if you accept a collect call from a citizen, it is not much cheaper. Altman stated her preference would be to wait for the RFP before we spend much time on it and it may limit what we do. Captain Stevens stated the DOC will decide their rate this year. That will establish the maximum that anybody in the State of Indiana can charge. Our particular contract is not up until 2005. Dillinger and Holt approved the motion. Altman opposed. Motion carries 2-1.

SCAAP Program: (2:43:09)

Captain Stevens stated the SCAAP Program is a federal fund where counties are reimbursed for housing illegal aliens which we have participated by contract with a firm out of Texas that comes in and checks our records and see who might qualify. They file the paperwork and the reimbursement comes back to the county. Ms. Rauch stated the county received a letter from Maximus offering their services for the SCAAP Program. Captain Stevens stated that is not the vendor we use. Holt asked if we are under contract? Captain Stevens stated yes.

Wayne Township Request for Pagers: (2:45:10)

Dillinger stated Wayne Township has requested 911 Funds to purchase 24 pagers. They had asked for a certain number, the 911 Committee discussed that with inflation and the growth that is going to happen, their request was not enough. We moved it to 30 pagers at an amount of \$18,420.00. Dillinger motioned to approve that appropriation from the E911 Funds for the benefit of pagers for Wayne Township. Altman asked if the E911 Committee has formulated any policy on pagers and local fire departments? Dillinger stated our policy is to try and help where we can help. Altman seconded. Motion carried unanimously.

Stormwater Phase II: (2:47:54)

Mr. Kent Ward requested the designation of the operator for the Notice of Intent for Stormwater Phase II that is going to IDEM. Holt motioned to make the County Surveyor the operator. Dillinger seconded. Motion carried unanimously.

Storm Sewer Mapping RFP:

Mr. Ward stated there was a non-reverting fund for Stormwater Phase II and GASB 34 for the mapping. Mr. Ward is requesting permission to send out the RFP for the Storm Sewer Mapping and GASB 34, due back to the Commissioners for opening at the next meeting. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Ordinance 4-28-03-A, Wellhead Protection:

Mr. Ward presented Ordinance 4-28-03-A, Wellhead Protection. Mr. Ward stated this ordinance is for the protection of well fields within the county's plan commission jurisdiction. At this time it would include four well fields, one in White River Township, three in Wayne Township. These would all be for trailer parks. Altman motioned to introduce Ordinance 4-28-03-A for first reading. Dillinger seconded. Motion carried unanimously. Dillinger asked if we already have this ordinance? Mr. Ward stated no. Altman stated she has some concerns, she thinks the intent is good but whether it has been drafted closely enough to make sure we don't shut down development in the entire county. It would be good to have our county attorney review this in the interim, whether it is properly defined as to what developments can not be done. Holt stated this is not just for the four trailer parks, it covers any future development. Mr. Ward stated it covers those four sites for the time being and development within those 3,000' radius. Also, for example, if Lapel needs a well field and they come in to establish a well field in Hamilton County, it also requires Lapel or any other entity to go through the planning process with notice to the property owners that would be effected by their well field. Holt stated it would also apply to Indianapolis, Fishers, Noblesville, if they would want to acquire land within those jurisdiction to drill a well. Altman stated her concern is there is a section that says no commercial development will occur unless you connect with city sanitary sewer. That would effectively shut down development if it is not properly defined. Altman wants to make sure to go through this with a fine tooth comb, unless this is the intent. If this is the intent we need to have a discussion as to this ordinance. Holt stated Section 7 applies to if you are in a zone. Mr. Ward stated he believes this is just for the zones. Holt stated the way this was presented to the Plan Commission, it looked like there was a reverse condemnation situation. If a neighbor sells a wellhead to the Indianapolis Water Company, you have lost your development rights. There was no notification provisions it was just a done deal. Suddenly you are in the zone. It also disregarded agricultural interests and you could have your current operation shut down if somebody decided to drill next to you.

Alcoholic Beverage Commission Requirements: (2:55:14)

Mr. Ward stated as County Surveyor, the county Alcoholic Beverage Commission requires, before a permit is issued outside of municipal limits, that the Surveyor certifies to the ABC that location is truly outside the municipalities. We do about three of those a year and it takes approximately three hours of our time to hunt them down. Mr. Ward requested the Board consider a charge that we can charge the folks asking for the permits to cover our expense for that of \$100.00. That would cover the time it takes to search three hours. Dillinger asked why would the Surveyor do that? Mr. Howard stated because the statute says it. Holt asked why would it take three hours? Mr. Ward stated they supply an address or what they think the address may be. Then you have to track it down to the property PIN number to go to the Auditor's map to see if it is in or out. Altman stated it is a commercial permit, she thinks it is reasonable. Altman so moved. Holt seconded. Dillinger stated we are going to add another law to cover \$300.00? What is government's function? Altman stated to the extent we tag a user fee to a user, it should be our policy that it is a commercial application. She understands what Dillinger is saying, but to her it is more of a policy issue. Dillinger asked if she thought that on commercial applications, those people are paying fees now? Are we trying to run people out of Hamilton County, it makes no sense to him at all. Holt asked who were the last three? Mr. Ward stated a chinese restaurant on 106th Street, a package permit application for Marsh and Holy Spirit Catholic Church in Fall Creek Township. Dillinger stated charging a fee because we can reeks of

too much government. Altman stated it may be a philosophy difference between you and I. On a lot of commercial applications we are not nearly covering the government services expended and it is not fair to our taxpayers to subsidize issues like Plan Commission and commercial developments. Mr. Ward stated in the past he has been asked by the Council to look at ways to subsidize costs. Holt and Altman approved. Dillinger opposed. Motion carries 2-1. Ms. Levine stated she attended the AIC Budget and Finance class and they strongly recommended that Commissioners and Council set up a review process for permit fees. Quite a few counties are woefully under charging. All permitting fees need to be reviewed because they are not in sink with municipalities.

Commissioner Committee Reports (3:00:25)

Smoking Policy:

Altman stated we all received Jeff Rushforth's report on the smoking policy. The suggestion is that we should make our buildings smoke free and it is an excellent suggestion. In effect, we have, to an extent. We do have a lot of people who smoke within the buildings in a designated area, near equipment that is combustible and we have recommendations from Mr. Rushforth and the maintenance department to have people go outside. She believes that is something we should strongly consider and adopt. It is not healthy in the enclosed area. Altman suggested approaching Council to see if there might be funding for an architecturally appropriate shelter, like at Riverview. Altman would like to pursue this and would be happy to put together some ideas if you would like her to go further on that. Holt stated in terms of establishing a policy we are not in a position to do that today, there was not a policy recommended. Altman stated she would like to show some alternatives on costs and see if we have consensus with Council that it would be a project they would fund. She was not happy with the costs in the report or what the products were. She would like to know if there is a consensus to change the policy, we have the Exemptions Department of the Auditor's office being smoked out, which is unhealthy for our staff. We have recirculated smoke in our buildings, which is inappropriate in a government facility. Altman so moved. Holt clarified the motion that she will study alternatives and bring them back? Altman would consider making a smoke free environment. Holt seconded. Holt and Altman approved. Dillinger opposed. Motion carries 2-1.

Clay Regional Waste Board Appointment: (3:03:15)

Altman stated she received a verbal resignation from Max Moore from the Clay Regional Waste Board. Based on that she asked for recommendations from the Clay Regional Waste Board. Bill Karns agreed to take the appointment but she understands in the interim Max has changed his mind. Holt stated absent a resignation, does this need to be discussed today? Altman stated probably not.

Meeting with INDOT:

Altman stated Brad Davis set up a meeting with INDOT regarding SR 431 to try to get additional lanes and extension on the intersection of 96th Street and Keystone, which is a critical intersection. 96th Street is critical in terms of traffic flow in terms of the bridge. It was very positive. They explored our commitment to extend it to Haverstick and it may be included on an 80/20 program, which she would recommend. We received very positive feedback.

Disaster Exercise:

Altman stated we had a tabletop disaster exercise, which was very productive. They have asked

permission to use this facility as the mock disaster site on June 7th. Altman so moved. Dillinger seconded. Motion carried unanimously.

Humane Society:

Holt stated he and Judy Levine continue to meet with the Humane Society, Cripe and Envoy. Those discussions are coming along well. Holt asked Mr. Howard to circulate the draft agreement to the Commissioners and Judy.

Attorney (3:06:35)

Interlocal Agreement Between Hamilton Southeastern Schools and Hamilton County:

Mr. Howard requested approval of an interlocal agreement between Hamilton Southeastern Schools and Hamilton County regarding license for use of school's property for antenna tower. The location will be at 12451 Brooks School Road. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Administrative Assistant (3:07:58)

Disaster Exercise:

Mr. Fred Swift stated the scenario on the training exercise is some kind of explosive with a hijacked truck. Mr. Swift suggested we advise our employees that this will be going on. Buildings and Grounds is aware of it, as well as the Sheriff.

Weights and Measures Training:

Mr. Swift stated the Weights and Measures Inspector has requested they be allowed to attend a certification training session in Evansville on May 12-15th. Dillinger motioned to approve. Holt seconded. Dillinger and Holt approved. Altman abstained. Motion carries 2-1.

Hamilton County Artist Association:

Mr. Swift stated the Hamilton County Artist Association would like to have an art display on the courthouse lawn on May 3 from 9:00 am - 2:00 pm. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

National Day of Prayer:

Mr. Swift stated the Hamilton County Ministerial Association is hosting the observance of National Day of Prayer on May 1st. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Auditor (3:10:26)

Flex Plan PC Banker Internet Customer Agreement:

Ms. Robin Mills requested approval of the PC Banker Internet Customer Agreement with First Indiana Bank. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

State Board of Accounts Audit Letter for 2002:

Ms. Mills requested approval of the letter to the State Board of Accounts regarding Hamilton County's 2002 Audit. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2003-00025 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5003397 for the reconstruction of the Harmon Clark Drain Southoak Park (formerly Southpark Sec. II) - \$127,000.00. 2) HCDB-2003-00026 - Home Federal Bank Irrevocable Standby Letter of Credit No. 99000202111(5) for Shelborne Park Sec. 2 - storm water system - \$61,381.00. (Monumentation and erosion control for Section 1 and accepted August 12, 2002) Expiration date: October 8, 2004. 3) HCDB-2003-0017 - Fifth Third Bank Irrevocable Standby Letter of Credit No. CIS401306 for Hampton Cove - storm sewer and subsurface drains - \$13,050.00. Expiration date: March 21, 2004. 4) HCDB-2003-00027 - First Indiana Bank Irrevocable Standby Letter of Credit No. 10244-4-LC4 for Westwood Estates Subdivision storm sewers - \$252,485.00. Expiration date: April 22, 2004. 5) HCDB-2003-00028 - First Indiana Bank Irrevocable Standby Letter of Credit No. 10244-4-LC3 for Westwood Estates Subdivision off-site drainage - \$19,458.00. Expiration date: April 22, 2004. 6) HCDB-2003-00029 - First Indiana Bank Irrevocable Standby Letter of Credit No. 10244-4-LC5 for Westwood Estates Subdivision Monumentation - \$1,500.00. Expiration date: April 22, 2004. 7) HCDB-2003-00030 - First Indiana Bank Irrevocable Standby Letter of Credit No. 10244-4-LC2 for Westwood Estates Subdivision erosion control - \$62,732.00. Expiration date: April 22, 2004. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Mills requested acceptance of the monthly report from the Clerk of the Circuit Court for March 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Treasurer's Monthly Report: (3:14:03)

Ms. Mills requested acceptance of the Treasurer's Monthly Report for March 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims to be paid April 25, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid April 29, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Holt called a recess in the meeting.

(3:15:39) Altman motioned to adjourn the meeting upon conclusion of the Youth Service Awards. Dillinger seconded. Motion carried unanimously.

Pacific Life Insurance Renewal: (3:16:14)

Mr. John Ditslear recommended that we accept the renewal of Pacific Life Insurance at either \$175,000 or \$200,000 deductible. At \$200,000 it would save us \$156,000 in known premium and not have the exception discussed earlier. Mr. Ditslear stated is waiting for a phone call to see if the \$175,000 would have that exclusion. Mr. Ditslear suggested renewing it at one of those two levels in fact the \$175,000 would not have the exception. Holt asked if it would help Mr. Ditslear if we could wait two weeks? Mr. Ditslear stated it would be helpful, but he is not sure about the insurance carrier. Altman asked if this is a fixed full year contract? Mr. Ditslear stated

no, our other option is to accept it as it is and re-negotiate it with a May 1st effective date on a future contract. This means we do it based on April 1st with the exception and then May 1st we re-negotiate the contract based on the other numbers. Dillinger asked if you found that in writing? Mr. Ditslear stated yes, it is in writing. He also discussed it with Sheena and it is normal that it is subject to updating of medical information. Dillinger asked if it is in writing? Mr. Ditslear stated he believes so. Dillinger asked who has it in writing? Mr. Ditslear stated he believes Nyhart does. He has it in writing on the offer we are discussing now. Dillinger asked what happens if we don't do anything with this today? Mr. Ditslear stated they will have to wait until we do. Mr. Ditslear stated he would not recommend that, it puts us at risk. Dillinger asked what risk does it put us in? Mr. Ditslear stated the first contract terminated April 1, 2003. Dillinger stated in essence we are self-insured right now? Mr. Ditslear stated we are in a grace period, we are not totally self-insured, but we are in a grace period until May 1st. Dillinger asked with us approving the renewal why does that put us in a grace period? Mr. Ditslear stated with a \$120,000 specific deductible subject to upgrading the medical situation. This situation happened around March 19th, Pacific Life was not aware of it and it was subject to the upgrading of the medical information. They have counter offered, but we have this exception. Dillinger stated why would we do a grace period when they just come back with a counter offer? Mr. Ditslear stated the old contract is in effect. Dillinger asked when did they come back with a counter offer, today? Mr. Ditslear stated no, it is dated April 15th. Dillinger stated the first time it could come to commissioner's meeting would have been today? Mr. Ditslear stated right. Dillinger stated if we signed the offer of agreement, he does not know why we should hold to a May 1st drop dead date. Mr. Ditslear stated he is only going on his information regarding contracts and a normal grace period. They are aware you only meet so often. It was extended until today, but he did not, but we could ask if we could get it extended to May 12th. Dillinger asked Mr. Howard what is our legal position? Mr. Howard stated he has not seen one document. Mr. Howard stated he does not like the idea of having a question about excess. Dillinger asked Mr. Ditslear to see what he can find out before 4:30.

Meeting recessed. (3:25:54)

Commissioners Correspondence:

2004 COIT Distribution Update Letter from Robin M. Mills

Beam, Longest and Neff Letter of Transmittal:
Bridge No. 257, Lantern Road over Shoemaker Ditch
Small Structure 31058, Lamong Road over McKinzie Ditch
96th Street & Towne Road Intersection Improvement

IDEM Notice of Sewer Permit Application:
Arbor Grove, Section 2 - Noblesville

IDEM Notice of Appeal Rights:
Sagamore, Sections 5, 6, 7 - Noblesville
Brooks Chase, Section 3 - Fishers
The Intracostal at Geist - Fishers

IDEM Notice of Decision:

Century Marble Company, Inc. - Approval

Present:

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Virginia Hughes, Administrative Assistant to Highway Engineer
Patricia Ogden, Highway Public Service Representative
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Mark Fisher, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Dustin Teachnor, Highway Assets Manager
Faraz Hahn, Highway Department
Diana Lamirand, Noblesville Ledger
John B. Sullivan, ARSI
Tom Parten, Rieth-Riley Construction
Steve Karch, Fox Contractors, Corp.
John Schutt, Schutt Co., Inc.
Mike McGill, Grady Bros.
Coary Spartks, Milestone
Dick Harvey, George R. Harvey & Sons
Michael Robertson, Duncan Robertson, Inc.
Samer Butros, EDSAM Construction
Matt Kelley, Shelly & Sands
David Pluckebaum, Corradino Group
Jill Jennings, E911
Terri Yount, E911
Diana Lynch, E911
Les McKenzie, Wayne Township Volunteer Fire Department
Larry Stout, ISSD

AAPPROVED

HAMILTON COUNTY BOARD OF COMMISSIONERS